

FACTSHEET

TITLE: LETTERS OF APPEAL filed by Keith Spilker, et al., appealing the Planning Commission action approving **SPECIAL PERMIT NO. 05015**, requested by Hartland Homes, Inc., for authority to develop **Hartland's Garden Valley Community Unit Plan** for 326 dwelling units, with associated waiver requests, on property generally located west of N. 14th Street and north of Fletcher Avenue.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Annexation No. 05006 (05-64); Change of Zone No. 05024 (05-65); and Street Vacation No. 05002 (05-66).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/13/05, 04/27/05
Administrative Action: 04/27/05

RECOMMENDATION: Conditional Approval (7-2: Carroll, Marvin, Krieser, Sunderman, Taylor, Larson and Bills-Strand voting 'yes'; Carlson and Pearson voting 'no').

FINDINGS OF FACT:

1. This proposed community unit plan was heard before the Planning Commission at the same time as the associated Annexation No. 05006, Change of Zone No. 05024 and Street Vacation No. 05002.
2. The applicant has requested the following waivers: a) the preliminary plat process; b) to allow blocks to exceed maximum block lengths; c) to reduce average lot width; d) to reduce lot area; e) to allow double frontage lots; f) to eliminate pedestrian easements; g) to allow streets to be paved without curb and gutter; and h) to allow sanitary sewer to flow opposite streets grades.
3. The staff recommendation to approve the proposed community unit plan, with conditions, including approval of all waiver requests (except block lengths in Blocks 4 and 15, and except the elimination of the pedestrian easements in Block 15), is based upon the "Analysis" as set forth on p.20-21, concluding that, with conditions, the proposed community unit plan is in conformance with the Comprehensive Plan designation of this area as Urban Residential.
4. Testimony on behalf of the applicants is found on p.27-29, including proposed amendments to the conditions of approval as set forth on p.28 and 51.
5. Testimony in opposition is found on p.29-31, and the written information submitted in opposition is found on p.52-57. The issues of the opposition include lack of infrastructure, density with the smaller lot sizes, the road network and traffic, and the impact upon existing wells.
6. The Planning Commission discussion with staff is found on p.31-32.
7. The applicant's response to the opposition is found on p.32, pointing out that the Comprehensive Plan shows this property as being converted into an urban area over time. All of the infrastructure will be built and paid for by the developer.
8. On April 27, 2005, the majority of the Planning Commission agreed with the staff recommendation and voted 7-2 to adopt Resolution No. PC-00922 (p.9-17) approving the Hartland's Garden Valley Community Unit Plan, with conditions, with the amendments requested by the applicant, except the waiver of block length in Block 15. Commissioners Carlson and Pearson were the dissenting votes. Pearson voted against the community unit plan after her motion to deny the waivers of lot width and lot area failed.
9. On May 11, 2005, letters of appeal were submitted by Keith Spilker, Donald W. Spilker, Larry Ogden, Bruce A. Spilker, Annabelle Neemann, Melinda Kramer, Betty King, Kahleen Zimmer and Charley Vogel, property owners and residents near the proposed development (p.2-8).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2005\SP.05015 Appeal

DATE: May 31, 2005

DATE: May 31, 2005

May 6, 2005

Joan Ross, City Clerk
County-City Building
555 South 10th Street
Lincoln, Nebraska 68508

Re: Annexation No. 05006; Change of Zone No. 05024; Special Permit No. 05015,
Hartland's Garden Valley Community Unit Plan; and Street and Alley Vacation No.
05002 (14th Street and Humphrey Avenue)

Dear Ms. Ross:

On April 27, 2005, the Lincoln City-Lancaster County Planning Commission approved the above referenced action items. Please accept this letter as an appeal to the City Council to reverse that approval.

As originally submitted to planning staff by the applicant, the CUP requested a block length waiver and pedestrian easement. Planning staff recommended denial of this waiver. The applicant again requested the waiver and easement to the Planning Commission on April 27. The applicant also displayed a second plan that added an additional street to eliminate the waiver and easement. A version of the CUP was then approved without the waiver and easement.

The additional second street creates two stubs into my property that are 220 feet apart. The second street detracts from any future development of my property due to the increased infrastructure and loss of lot area. It is estimated additional costs of \$50,000-\$75,000 would be incurred. I have no current plans to develop this property. However, this CUP application has forced me to look at options. Attached to this letter is one possible development arrangement on my property. The street added would enter my property at approximately lot #4.

The second street also has negative consequences for the proposed CUP. The street would be constructed across an existing natural drainage area. Green space and trees would be lost in the process. Both of those items are highly desirable in any neighborhood. Their loss would be a loss to the future and current residents of the area.

Due to the compressed time frame between planning staff recommendation of denial and the meeting of April 27, I feel the affect on my property was not properly considered. Nor were alternatives explored. The applicant was able to rearrange the plan to add the street and not lose any lots. This increased the cost of the CUP but was acceptable to them. Planning staff removed the waiver. I was able to meet with both parties to share my concerns but the "solution" had already been determined.

In conclusion, I feel that the waiver and easement should be allowed. The approved solution was a second street just 220 feet from the first street. For those 220 feet the neighborhood lost green space and trees. In addition, development costs for both the applicant and any development on my property were increased. At the least, it appears there may be other alternatives in street design that could be made which would also eliminate the need for the waiver and easement. For instance, it appears that if the intersection of 11th and Fletcher were moved further west the same goal could be accomplished without a loss of lots on the part of the developer.

I thank you for your attention to this matter.

Sincerely,



Keith Spilker
900 Fletcher Ave
Lincoln, Nebraska 68521

encl.

CITY CLERK'S OFFICE
2005 MAY 11 AM 11 49
CITY OF LINCOLN
NEBRASKA

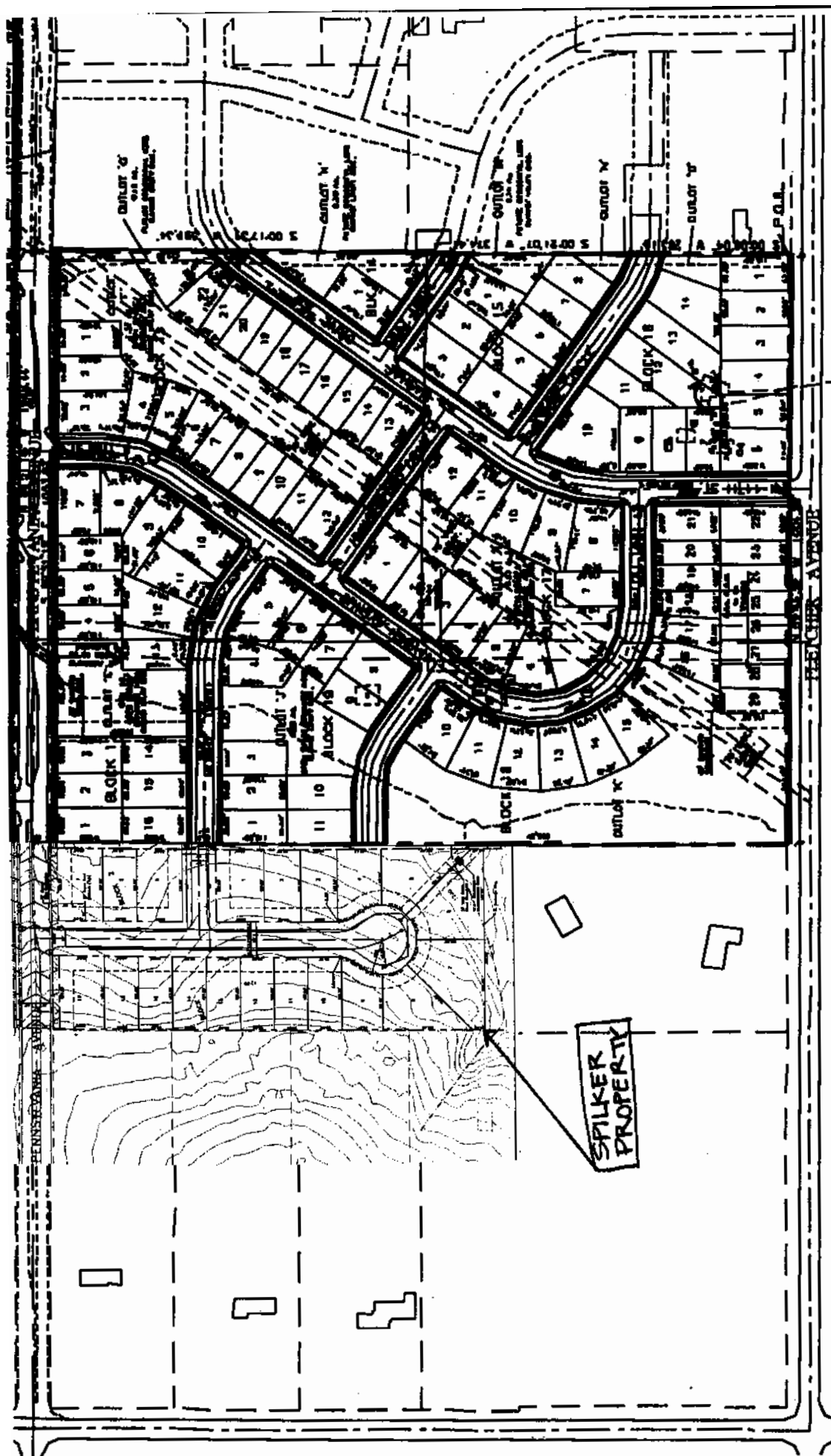
0003

BOBBY

OPEN SPACE DRAIN
BLANKET GROUT

Block 19

125



May 6, 2005

Joan Ross, City Clerk
County-City Building
555 South 10th Street
Lincoln, Nebraska 68508

Re: Annexation No. 05006; Change of Zone No. 05024; Special Permit No. 05015,
Hartland's Garden Valley Community Unit Plan; and Street and Alley Vacation No.
05002 (14th Street and Humphrey Avenue)

Dear Ms. Ross:

On April 27, 2005, the Lincoln City-Lancaster County Planning Commission approved the above referenced action items. Please accept this letter as an appeal to the City Council to reverse that approval.

Minimum average lot width for the zoning requested is 50 feet. Similarly, the minimum lot area is 6,000 square feet. The CUP as approved would waive these minimums to 41 feet and 4,500 square feet respectively. Nearly 90 of the 326 lots proposed require the lot width and area waiver.

The R-3 residential zoning contains the above minimum lot standards and they should be adhered to. By allowing these waivers a whole new set of minimum standards are being created for this zoning designation without appropriate community input and involvement. In the end the community no longer knows what the minimum standards are for an R-3 zoning. The agenda for the June 8th Planning Commission meeting contains a request to waiver the minimums to 34 feet and 3,000 square feet respectively on property just east of the Hartland's Garden Valley project. What is the purpose of minimum standards if they are not followed?

The applicant has stated that the waiver is required due to all of the green space in the development. Some 24 acres of green space are included due to a flood corridor easement. This was known to the developer prior to purchase of the property. We would submit that the very existence of this large green space would be a natural for a different type of development. Green space is a highly desirable neighborhood quality. This could be used to the developer's advantage with a change in the business model for this property to be a more predominately middle market development instead of a predominately starter home development. In short, a mix of housing could be accomplished without the waiver.

It has also been pointed out that the proposed density is relatively low at 3.60 units per acre (326 units on about 90 acres). However, an adjustment should be made in this case due to the unusually large amount of green space. Using just buildable space raises the density to 4.90 units per acre (326 units on about 66 acres). This is relatively high for single family residential development. We are sure that anyone who has lived in an area with 41 foot lot widths would not describe it as low density.

The land is surrounded by many acreages, the kind of property that people save up to buy when they're ready to move away from starter neighborhoods. They represent a substantial investment, and may be the largest single investment that many people will ever make. The market value of small homes on small lots will always be relatively low, and will negatively affect the value of nearby properties.

Granting of the waiver will impact the choices for future development of adjacent property. The small lot sizes and lower overall value of the homes would likely eliminate a Fallbrook type of development on adjacent property.

Finally, we continue to be concerned with the additional traffic. Adding this development will significantly impact traffic levels on surrounding streets. Some of the streets will continue for some time to be gravel rather than pavement. 14th street, Pennsylvania Avenue and Humphrey Avenue are not ready to handle the increased volume of traffic. Granting of the lot waivers only heightens this problem.

The undersigned object to the lot size waivers and ask that the City Council reconsider the waiver of lot sizes in this development. Continued approval of ever smaller lots is not a good trend for Lincoln. Lincoln prides itself on having a small town feel within a larger city atmosphere. The continued shrinkage of housing lots is a big city problem that Lincoln should avoid. We support expanded residential development. However, we would like to see it be "smart" development.

We thank you for your attention to this matter.

Sincerely,

Neighbors of the proposed development

CITY CLERK'S OFFICE
2005 MAY 11 AM 11 49
CITY OF LINCOLN
NEBRASKA

1. Keith Spilker 5/8/05
2008 Keith Spilker, 900 Fletcher Ave, Lincoln, 68521
2. Donald W. Spilker 8 May 05
DONALD W. SPILKER 1201 FLETCHER AVE LINCOLN 68521
3. Larry Ogden 5/8/05
Larry Ogden 1300 Fletcher Ave Lincoln 68521
4. Bruce A. Spilker 5-8-05
BRUCE A. SPIKER 280 Pennsylvania Ave, Lincoln 68521
5. Annabelle Neemann -5-8-05
ANNABELLE NEEMANN 7001 N. 7th LINCOLN 68521
6. Melinda Kramer 6300 N. 7th Lincoln 68521
5/9/05
7. Betty King 6007 N. 14 68521 5/9/05
8. Kathleen Zimmer 6320 N. 7 68521
9. Chorley Vogel 921 Fletcher Ave. 68521 5/10/05

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council
FROM : Jean Walker, Planning
DATE : May 5, 2005
RE : **Special Permit No. 05015, Hartland's Garden Valley Community Unit Plan**
(West of N. 14th Street, north of Fletcher Avenue)
Resolution No. PC-00922

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, April 27, 2005:

Motion made by Carroll, seconded by Marvin, to approve **Special Permit No. 05015**, with conditions, as amended, requested by Brian D. Carstens and Associates on behalf of Hartland Homes, Inc., for authority to develop Hartland's Garden Valley Community Unit Plan for 326 dwelling units, with requested waivers to the required preliminary plat process, to allow blocks to exceed maximum block lengths, to reduce average lot width, to reduce lot area, to allow double frontage lots, to eliminate pedestrian easements, to allow streets to be paved without curb and gutter and to allow sanitary sewer to flow opposite streets grades, on property generally located west of N. 14th Street and north of Fletcher Avenue.

Motion to approve, with conditions, as amended, carried 7-2: Carroll, Marvin, Krieser, Sunderman, Taylor, Larson and Bills-Strand voting 'yes'; Pearson and Carlson voting 'no'.

The Planning Commission's action on Special Permit No. 05015 is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission. The Planning Commission also approved the associated Annexation No. 05006, Change of Zone No. 05024 and Street Vacation No. 05002, which are recommendations to the City Council.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Brian D. Carstens and Associates, 601 Old Cheney Road, Suite C, 68512
Peter Katt, 1045 Lincoln Mall, Suite 200, 68508
Hartland Homes, P.O. Box 22787, 68542
John and Linda Hershberger, 1000 Fletcher Ave., 68521
Annabelle Neemann, 7001 N. 7th Street, 68521
Keith Spilker, 900 Fletcher Avenue, 68521
James Zimmer, 6320 N. 7th, 68521
Charlie Vogel, 921 Fletcher Ave., 68521
Bruce Spilker, 280 Pennsylvania Ave., 68521
Melinda Kramer, 6300 N. 7th, 68521
Larry Ogden, 1300 Fletcher Ave., 68521

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RESOLUTION NO. PC- 00922

SPECIAL PERMIT NO. 05015

1 WHEREAS, Hartland Homes, Inc. and John and Linda Hershberger have
2 submitted an application designated as Special Permit No. 05015 for authority to develop
3 Hartland's Garden Valley Community Unit Plan for 326 dwelling units, with requested waivers to
4 waive the required preliminary plat process, to allow blocks to exceed maximum block lengths,
5 to reduce average lot width, to reduce lot area, to allow double frontage lots, to eliminate
6 pedestrian easements, to allow streets to be paved without curb and gutter and to allow
7 sanitary sewer to flow opposite street grades, on property generally located west of N. 14th
8 Street and north of Fletcher Avenue, and legally described as:

9 Lots 1 through 4, Block 1, Lots 1 and 4, Block 2, and the north
10 half of Lot 2, Block 2, and that part of North 11th Street which lies
11 between Blocks 1 and 2, Garden Valley, located in the Southeast
12 Quarter of Section 35, Township 11 North, Range 6 East of the
13 6th P.M., Lincoln, Lancaster County, Nebraska, and more
14 particularly described as follows:

15 Beginning at the northeast corner of said Block 1; thence along
16 the east line of said Block, said line also being the west right-of-
17 way line of North 14th Street, south 00 degrees 12 minutes 41
18 seconds west, a distance of 1267.75 feet to the southeast corner
19 of said Block 1; thence along the north right-of-way line of
20 Southwick Avenue, now known as Pennsylvania Avenue, north 89
21 degrees 51 minutes 18 seconds west, a distance of 1946.44 feet
22 to the southwest corner of said Lot 4, Block 2; thence along the
23 west line of said Lots 4 and 1, north 00 degrees 21 minutes 42
24 seconds east, a distance of 949.20 feet to a point on the west line
25 of said Lot 1; thence north 89 degrees 54 minutes 10 seconds
26 west, a distance of 626.06 feet to a point on the east line of said

1 Lot 2; thence along said line, said line also being the east right-of-
2 way line of North 7th Street, north 00 degrees 25 minutes 29
3 seconds east, a distance of 316.23 feet to the northwest corner of
4 said Lot 2, Block 2; thence along the north line of said Blocks 2
5 and 1, said line also being the south right-of-way line of Humphrey
6 Avenue, south 89 degrees 55 minutes 07 seconds east, a
7 distance of 2568.83 feet to the point of beginning, having an area
8 of 2,661,359.87 square feet or 61.096 acres, more or less;

9 and

10 Lot 2 and Lot 3, except the south 7.0 feet, Block 4, and the east
11 half of Lots 1 and 4, except the south 7.00 feet, Block 3, and that
12 part of North 11th Street which lies between Blocks 3 and 4,
13 Garden Valley, located in the Southeast Quarter of Section 35,
14 Township 11 North, Range 6 East of the 6th P.M., Lincoln,
15 Lancaster County, Nebraska, and more particularly described as
16 follows:

17 Beginning at the intersection of the east line of said Lot 3, Block 4,
18 and the north right-of-way line of Fletcher Avenue; thence along
19 the north right-of-way line of Fletcher Avenue north 89 degrees 46
20 minutes 39 seconds west, a distance of 1004.56 feet to a point on
21 the north right-of-way line of Fletcher Avenue; thence north 00
22 degrees 18 minutes 05 seconds east, a distance of 1255.54 feet
23 to a point on the north line of said Lot 1, Block 3; thence along the
24 north line of said Blocks 3 and 4, said line also being the south
25 right-of-way line of Southwick Avenue south 89 degrees 51
26 minutes 18 seconds east, a distance of 1003.83 feet to the
27 northeast corner of said Lot 2, Block 4; thence along the east line
28 of said Lots 2 and 3, Block 4 for the next three calls, south 00
29 degrees 17 minutes 39 seconds west, a distance of 599.34 feet;
30 thence south 00 degrees 21 minutes 07 seconds west, a distance
31 of 374.41 feet; thence south 00 degrees 06 minutes 04 seconds
32 west, a distance of 283.15 feet to the point of beginning, having
33 an area of 1,261,076.4 square feet or 28.95 acres, more or less;

34 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
35 public hearing on said application; and

36 WHEREAS, the community as a whole, the surrounding neighborhood, and the
37 real property adjacent to the area included within the site plan for this community unit plan will
38 not be adversely affected by granting such a permit; and

39 WHEREAS, said site plan together with the terms and conditions hereinafter set
40 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and

1 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
2 general welfare; and

3 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
4 Planning Commission of Lincoln, Nebraska:

5 That the application of Hartland Homes, Inc. and John and Linda Hershberger,
6 hereinafter referred to as "Permittee", to develop Hartland's Garden Valley Community Unit
7 Plan for 326 dwelling units be and the same is hereby granted under the provisions of Section
8 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of
9 said dwelling units be in strict compliance with said application, the site plan, and the following
10 additional express terms, conditions, and requirements:

11 1. This approval permits:

- 12 a. 326 single-family dwelling units.
- 13 b. A reduction of the required average lot width in the R-3 Residential
14 District from 50 feet to 41 feet.
- 15 c. A reduction of the required lot area in the R-3 Residential District from
16 6,000 sq. ft. to 4,500 sq. ft.
- 17 d. A waiver of Section 26.23.140(e) of the Lincoln Municipal Code
18 prohibiting double frontage lots.
- 19 e. A waiver of Section 26.23.130 prohibiting block lengths to exceed 1,320
20 feet in order to allow Blocks 2 and 7 to exceed the maximum block
21 length.
- 22 f. A waiver of the preliminary plat process provided that if any final plat on
23 all or a portion of the approved community unit plan is submitted five (5)
24 years or more after the approval of the community unit plan, the city may
25 require that a new community unit plan be submitted, pursuant to all the
26 provisions of section 26.31.015. A new community unit plan may be
27 required if the subdivision ordinance, the design standards, or the
28 required improvements have been amended by the city; and as a result,
29 the community unit plan as originally approved does not comply with the
30 amended rules and regulations.
- 31 g. A waiver of Section 26.27.010 of the Lincoln Municipal Code requiring
32 streets to be paved with curb and gutter; provided that the lots taking
33 access to Fletcher Avenue are graded to match future property line

grades for a standard local street; that the grading plan is revised to show that the lots can be graded and driveways and culverts constructed and that the existing rural paving is retained.

- h. A waiver of Section 26.23.125 of the Lincoln Municipal Code requiring a pedestrian way when a block exceeds 1000 feet in length in order to eliminate the pedestrian way easement in Block 7 and 15.

2. Before the approval of a final plat, a bond, escrow or security agreement must be provided and approved by the City Law Department to guarantee the proportionate share of the Water Distribution, Water System, Wastewater, Neighborhood Park and Trail, and Arterial Street Impact Fee Facility contribution established in the Hartland's Garden Valley Conditional Annexation and Zoning Agreement attributable to full development of the lots within each final plat compared to the approved full development of the Property under this Special Permit.

3. Before the approval of a final plat, the public streets, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be provided to the City and approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

4. The Planning Director may approve final plats after the Permittee has signed an agreement that binds the Permittee and Permittee's successors and assigns:

- a. To complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.
- b. To complete the installation of sidewalks along both sides of the internal streets and along the south side of Humphrey, north side of Fletcher, west side of N. 14th and east side of N. 7th Streets as shown on the final plat within four (4) years following the approval of the final plat.

- 1 c. To construct the sidewalk in the pedestrian way easements in Lots 7 and
2 30, Block 2 at the same time as Garden Valley Road is paved and to
3 agree that no building permit shall be issued for construction on Lots 7-8,
4 29-30, Block 2 until such time as the sidewalk in the pedestrian way
5 easement is constructed.
- 6 d. To complete the public water distribution system to serve this plat within
7 two (2) years following the approval of the final plat.
- 8 e. To complete the public wastewater collection system to serve this plat
9 within two (2) years following the approval of the final plat.
- 10 f. To complete the enclosed public drainage facilities shown on the
11 approved drainage study to serve this plat within two (2) years following
12 the approval of the final plat.
- 13 g. To complete the enclosed private drainage facilities shown on the
14 approved drainage study to serve this plat within two (2) years following
15 the approval of the final plat.
- 16 h. To complete land preparation including storm water detention/retention
17 facilities and open drainageway improvements to serve this plat prior to
18 the installation of utilities and improvements but not more than two (2)
19 years following the approval of the final plat
- 20 i. To complete the installation of public street lights along all streets within
21 this plat within two (2) years following the approval of the final plat.
- 22 j. To complete the planting of the street trees along all streets within this
23 plat within four (4) years following the approval of the final plat.
- 24 k. To complete the planting of the landscape screen within this plat within
25 two (2) years following the approval of the final plat.
- 26 l. To complete the installation of the street name signs within two (2) years
27 following the approval of the final plat.
- 28 m. To timely complete any other public or private improvement or facility
29 required by Chapter 26.23 (Development Standards) of the Land
30 Subdivision Ordinance which has not been waived but which
31 inadvertently may have been omitted from the above list of required
32 improvements.
- 33 n. To complete the public and private improvements shown on the
34 Community Unit Plan.
- 35 o. To retain ownership of and the right of entry to the outlots in order to
36 perform the above-described maintenance of the outlots and private
37 improvements on a permanent and continuous basis. However,
38 Permittee as subdivider may be relieved and discharged of such
39 maintenance obligations upon creating in writing a permanent and

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continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

i. Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a register professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.

ii. The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

p. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

q. To perpetually maintain the sidewalks in the pedestrian way easements on Lots 7 and 30, Block 2 at their own cost and expense.

r. To protect the trees that are indicated to remain during construction and development.

s. To continuously and regularly maintain the street trees along the private roadways and landscape screens.

t. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

u. To submit to the lot buyers and home builders a copy of the soil analysis.

v. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

w. To relinquish the right of direct vehicular access from 47-51, Block 7 and Outlot C to N. 14th Street and Lots 1-12, Block 1 from Humphrey Avenue.

5. Before receiving building permits:

a. The Permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

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- i. A permanent final plan with 7 copies as revised as follows:
- (1) Revise street pattern to comply with block length (except Block 7) and street projections to comply with the Subdivision Ordinance.
 - (2) Revise the site plan to the satisfaction of the Public Works and Utilities Department.
 - (3) Revise street names to not approximate nor duplicate existing street names.
 - (4) Revise the plan to the satisfaction of the Parks Department:
 - (a) All outlot areas to be maintained by the developer and/or future homeowner's association.
 - (b) The Comprehensive Plan indicates an east-west trail connection between N.W. 1st and N. 14th Streets. The alignment is on Alvo Road.
 - (c) A visible and accessible neighborhood park needs to be located on Outlot A, Lots 36 and 37, Block 4, containing a total of approximately 2.85 acres.
 - (d) All landscaped boulevards and medians must be maintained by the City of Lincoln.
 - (e) The playground should be located in conjunction with the neighborhood park referenced in item (c).
 - (f) Street trees need to be assigned by the Forestry Department.
 - (5) Provide utility easements as requested by LES.
- ii. The associated Annexation #05006, Street *and* Alley Vacation #05002 and Change of Zone #05024 must be approved by City Council.
- b. Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.
- c. The construction plans comply with the approved plans.
- d. Final plats are approved by the City.
- e. The required easements as shown on the site plan are recorded with the Register of Deeds.

1 6. Before occupying this community unit plan all development and construction is to
2 comply with the approved plans.

3 7. All privately-owned improvements, including landscaping and recreational
4 facilities, are to be permanently maintained by the owner or an appropriately established
5 homeowners association approved by the City.

6 8. The site plan approved by this permit shall be the basis for all interpretations of
7 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
8 matters.

9 9. This resolution's terms, conditions, and requirements bind and obligate the
10 Permittee, its successors and assigns.

11 10. The Permittee shall sign and return the letter of acceptance to the City Clerk
12 within 30 days following the approval of the special permit, provided, however, said 30-day
13 period may be extended up to six months by administrative amendment. The clerk shall file the
14 attached Notice of Development and Use Restriction pertaining to the special permit and the
15 letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
16 Permittee.

17 The foregoing Resolution was approved by the Lincoln City-Lancaster County
18 Planning Commission on this 27 day of April, 2005.

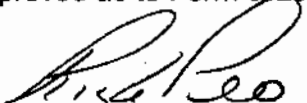
ATTEST:

/S/ *Original signed by*

Mary Bills-Strand

Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 13, 2004 PLANNING COMMISSION MEETING

****As Revised and Approved by Planning Commission on April 27, 2005****

****Resolution No. PC-00922****

PROJECT #: Special Permit No. 05015, Hartland's Garden Valley CUP.

PROPOSAL: To obtain a special permit for a community unit plan for 326 dwelling units, all of which are proposed as single family.

LOCATION: Generally located west of N. 14th Street and north of Fletcher Avenue.

WAIVER REQUEST:

Preliminary plat process
To exceed block lengths
To reduce average lot width
To reduce lot area
To allow double frontage lots (other than those abutting a major street)
To eliminate pedestrian easements
To allow sanitary sewer to flow opposite street grades
Street design standards for curb and gutter **(Additional Waiver added 4/13/05)**

LAND AREA: Approximately 90 acres, more or less.

CONCLUSION:

RECOMMENDATION:	Conditional Approval
Waivers:	
Preliminary plat process	Approval
To exceed block lengths (blocks 4, 15)	Denial
To exceed block lengths (blocks 2, 7)	Approval
To reduce average lot width	Approval
To reduce lot area	Approval
To allow double frontage lots	Approval
To eliminate pedestrian easements (Block 15)	Denial
(**Per Planning Commission, 04/27/05**)	<u>Approval</u>
To eliminate pedestrian easements (Block 7)	Approval
To allow sanitary sewer to flow opposite street grades	Approval
<u>Design Standards for curb and gutter</u>	<u>Approval</u>
(Additional waiver added on 4/13/05)	

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG, Agricultural

EXISTING LAND USE: Undeveloped, acreage.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	AG
South:	Undeveloped/acreage	AG
East:	Residential/undeveloped	AG
West:	Acreage	AG

ASSOCIATED APPLICATIONS: Annexation #05006, Change of Zone #05024, Street and Alley Vacation #05002

COMPREHENSIVE PLAN SPECIFICATIONS:

F-25 This area is shown as Urban Residential in the Comprehensive Plan.

F-29 Most of the area is shown in Tier 1, however it appears a small northwest portion is in Tier 2.

F-31 The extreme eastern portion is shown in Priority A, the remainder of the area shown in Tier 1 is indicated as Priority B. Tier 2 does not delineate priority areas.

F-65 Guiding Principals of Residential - Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.

F-66 The guiding principles for new neighborhoods are a combination of principles found in this section in addition to the principles for all other sections within the plan, such as Business and Commerce and Mobility and Transportation. A neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, the environment and housing together in one place.

F-67 Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;

Similar housing types face each other: single family faces single family, change to different use at rear of lot;

Parks and open space within walking distance of all residences;

Multi-family and elderly housing nearest to commercial area;

Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;

Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites).

HISTORY: This area was zoned AA, Rural and Public Use until it was updated to AG, Agricultural during the 1979 zoning update.

UTILITIES: The Public Works and Utilities Department indicated that there is currently no project identified in the 2004-2010 Capital Improvement Program showing the extension of the trunk sewer into this area. An agreement must address the phasing and financial responsibility of the extensions required to serve this plat.

Water is available to the area. The extension of mains into and along this site is required.

There is an existing 70' easement for overhead electrical power lines.

TOPOGRAPHY: There is an existing drainage swale which is identified as a flood corridor. The site plan indicates this area in the required flood corridor easement.

TRAFFIC ANALYSIS: Humphrey and Pennsylvania Avenues are shown to be improved to 2 lanes plus a center turn lane. The Comprehensive Plan indicates Humphrey Avenue to have 120' of right of way. The Public Works and Utilities Department worked with the developer to design road improvements and right of way widths to facilitate the flow of traffic coming from and going to the east and west of this property. The City agreed to a boulevard concept on both Humphrey and Pennsylvania Avenues each with 84' of right of way. The site plan reflects this agreement.

The Comprehensive Plan indicates a trail to be located along Humphrey Avenue. Planning and Parks Department staff met and discussed the best location for the trail. Staff determined that either the north side of Humphrey Avenue or Alvo Road would be the best location. The north portion of Humphrey Avenue is not presently part of this project.

ANALYSIS:

1. This is a request for a single family residential subdivision with 326 dwelling units. The developer requests waivers to reduce average lot width, reduce lot area, allow double frontage lots, exceed maximum block lengths, eliminate pedestrian easements, allow sanitary sewer to flow opposite street grades and coordinate the preliminary plat process with the special permit.
2. The site plan indicates a variety of lot sizes, which should accommodate a variety of housing types.
3. There are associated applications which must be first approved by City Council. The developer requests annexation, change of zoning from AG to R-3 and a street vacation for the existing N. 11th Street right of way.
4. The reduction of average lot width and lot area are typical for a community unit plan. Planning staff recommends approval to these waivers. Double frontage lots are shown along Humphrey Avenue. Although Humphrey Avenue is not shown as an arterial road in the Comprehensive Plan, 120' right of way width was shown and text indicated that it could be a potential future arterial. The Public Works and Utilities Department preferred that only a limited number of lots take direct access to Humphrey Avenue, therefore, staff recommends approval to this waiver.

5. Block lengths must be shorter than 1,320' per the Land Subdivision Ordinance. The site plan indicates five blocks that exceed this maximum. Block 7 has justification to grant the waiver. Block 7 abuts a minimum flood corridor easement. Section 26.23.130 of the Land Subdivision Ordinance indicates "Block lengths shall not exceed 1,320 feet between cross-streets except where a major street, other man-made barrier, lake, or other natural barrier forms one boundary of a block." and staff believes the situation in Block 7 meets this standard. Planning staff believes a revised site plan can eliminate the need for block length waivers in Blocks 4 and 15. Pedestrian easements should be provided in blocks that exceed 1,000 feet. The Comprehensive Plan clearly indicates the need for pedestrian mobility. By moving Bobby Lane south, or providing an additional street connection, the need for the pedestrian easement in Block 15 would be eliminated. The proposed street projection beyond the preliminary plat could constrain the subdivision of the adjacent land. Planning staff met with Brian Carstens and believe a proposed street revision is acceptable to him. We anticipate the submittal of the revised street pattern before the Planning Commission hearing.
6. The Public Works and Utilities Department had several comments which are indicated in their attached memo. The Public Works and Utilities Department indicated they support the sanitary sewer waiver request, provided that the sewer does not exceed the maximum depth requirement.
7. The Emergency Communications 911 Center indicated several street name issues as indicated in their attached memo.
8. The Lincoln Electric System indicated the need for utility easements and notes on the site plan as indicated in their attached memo.
9. The Lincoln Lancaster County Health Department indicated four advisory comments in their attached memo.
10. The Parks Department indicated several issues in their attached memo.
11. The existing street pattern as proposed creates issues relative to block lengths, pedestrian easements, street names and addressing. Planning staff met with Brian Carstens to discuss these issues. For example, N. 11th Street as proposed has a T-intersection with itself and slightly shifting certain roads alleviates the need for some of the waiver requests.

CONDITIONS:

Site Specific:

1. This approval permits 326 dwelling units with waivers to reduce average lot width, reduce lot area, allow double frontage lots, allow Block 7 to exceed maximum length, eliminate the pedestrian easement in Block 7 and Block 15, allow sanitary sewer to flow opposite street grades, design standards for curb and gutter, and coordinate the preliminary plat process with the special permit. **(**Per Planning Commission, 04/27/05**)**

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Pursuant to the proposed annexation agreement: (1) impact fees will be collected from development based on the number of lots and the type of development in the final plat; and (2) due to a court challenge to the collection of impact fees, the City is requiring security to guarantee the necessary contribution to cover part of the cost of providing infrastructure (such as water, sanitary sewer, arterial streets, parks and trails) necessitated by development of the lots within this development. If the impact fees are upheld, the security will be returned. However, if for whatever reason the impact fees are not collected, the developer will pay this pre-determined amount or the City will use the security to pay for part of the cost of these improvements needed to serve the development.

Before the approval of a final plat, the public streets, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

Permittee agrees:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of the internal streets and along the south side of Humphrey, north side of Fletcher, west side of N. 14th and east side of N. 7th Streets as shown on the final plat within four (4) years following the approval of the final plat. **(**Per Planning Commission, 04/27/05**)**

to construct the sidewalk in the pedestrian way easements in Lots 7 and 30, Block 2 at the same time as Garden Valley Road is paved and to agree that no building permit shall be issued for construction on Lots 7-8, 29-30, Block 2 until such time as the sidewalk in the pedestrian way easement is constructed.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights along all streets within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along all streets within this plat within four (4) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to complete the public and private improvements shown on the Community Unit Plan.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to perpetually maintain the sidewalks in the pedestrian way easements on Lots 7 and 30, Block 2 at their own cost and expense.

to protect the trees that are indicated to remain during construction and development.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to submit to the lot buyers and home builders a copy of the soil analysis.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to relinquish the right of direct vehicular access from 47-51, Block 7 and Outlot C to N. 14th Street and Lots 1-12, Block 1 from Humphrey Avenue.

General:

2. Before receiving building permits:

2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

2.1.1 A permanent final plan with 7 copies as revised as follows:

- 2.1.1.1 Revise street pattern to comply with block length (except Block 7) and street projections to comply with the Subdivision Ordinance.
- 2.1.1.2 Revise the site plan to the satisfaction of the Public Works and Utilities Department.
- 2.1.1.3 Revise street names to not approximate nor duplicate existing street names.
- 2.1.1.4 Revise the plan to the satisfaction of the Parks Department:
 - a) All outlot areas to be maintained by the developer and/or future homeowner's association.
 - b) The Comprehensive Plan indicates an East-West Trail connection between NW 1st and N. 14th Street. The alignment is on Alvo Road.

- c) A visible and accessible neighborhood park needs to be located at 1.6 acres on Block 8, Lots 1 through 6 on Outlot A, Lots 36 and 37, Block 4, containing a total of approximately 2.85 acres. **(Per Planning Commission, 04/27/05****
- d) All landscaped boulevards and medians must be maintained by the ~~developer and/or future homeowner's association~~ City of Lincoln. **(**Per Planning Commission, 04/27/05**)**
- e) The playground should be located in conjunction with the Neighborhood park referenced in item c.
- f) Street trees need to be assigned by the Forestry Department.

2.1.1.5 Provide utility easements as requested by LES.

2.1.2 The associated Annexation #05006, Street and Alley Vacation #05002 and Change of Zone #05024 must be approved by City Council.

- 2.2 Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.
- 2.3 The construction plans comply with the approved plans.
- 2.4 Final plats are approved by the City.
- 2.5 The required easements as shown on the site plan are recorded with the Register of Deeds.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this community unit plan all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Becky Horner, 441-6373, rhorer@lincoln.ne.gov
Planner

DATE: March 31, 2005

APPLICANT: Hartland Homes, Inc.

OWNER:	Hartland Homes, Inc.	John and Linda Hershberger
	PO Box 22787	1000 Fletcher Avenue
	Lincoln, NE 68542	Lincoln, NE 68521
	(402)477-6668	(402)477-7142

CONTACT: Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402)434-2424

**ANNEXATION NO. 05006,
CHANGE OF ZONE NO. 05024,
SPECIAL PERMIT NO. 05015,
HARTLAND'S GARDEN VALLEY COMMUNITY UNIT PLAN
and
STREET & ALLEY VACATION NO. 05002**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 13, 2005

Members present: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the community unit plan.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted a letter from the applicant asking for a two-week deferral to advertise an additional waiver.

Taylor moved to defer two weeks, with continued public hearing and action scheduled for April 27, 2005, seconded by Carroll and carried 9-0: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 27, 2005

Members present: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Becky Horner of Planning staff submitted additional information for the record, including an e-mail in opposition and the Public Works recommendation on the additional waiver of curb and gutter.

Proponents

1. Brian Carstens appeared on behalf of **Hartland Homes**, and explained that this is a proposed community unit plan for 324 sf lots located on N. 14th Street (with Fletcher to the south, Humphrey is a platted ½ street that is not open, Pennsylvania is a platted street that is not open), surrounded by existing acreages on two sides and undeveloped land to the north, with Stone Bridge Creek to the east.

This project consists of 24 acres of common and green space. An overhead electric line bisects the site diagonally, with existing wetlands and flood corridor easement. There will be a 2.65-acre park as part of the project.

The developer has met with the neighbors on two occasions.

Carstens submitted proposed amendments to the conditions of approval on the community unit plan and the street vacation.

As part of original submittal, staff had requested the additional street because of the block length waiver. The neighbor to the west is opposed to the additional street because of his ideas for future development. Carstens revised the block length waiver request to delete Blocks 4 and 5, and add Block 15. Block 15 is the only block length waiver that the developer is now requesting. The developer is also requesting to add the waiver of pedestrian easement in Block 15 as the neighbor does not want the easement.

The proposed amendments included language to clarify the location of sidewalks:

to complete the installation of sidewalks along both sides of the internal streets and along the south side of Humphrey, north side of Fletcher, west side of N. 14th and east side of 7th Streets as shown on the final plat within four (4) years following the approval of the final plat.

Carstens requested that Condition #2.1.1.4 be amended with regard to the requirements of the Parks Department:

- (3) A visible and accessible neighborhood park needs to be located at 1.6 acres on Block 8, Lots 1 through 6 on Outlot A, Lots 36 and 37, Block 4, containing a total of approximately 2.85 acres.
- (4) All landscaped boulevards and medians shall be maintained by the City of Lincoln ~~developer and or future homeowner's association.~~

With regard to the street vacation, Carstens advised that the developer will be doing a typical exchange as opposed to paying for the right-of-way on 11th Street:

- 4. The applicant indicated a willingness to ~~pay for~~ exchange proposed right of way for the vacated right of way.

Carlson asked for an explanation of how pedestrians will walk to the park. Carstens stated that it would basically be all of the street rights-of-way, with sidewalks on both sides. There will be common areas. The creeks are not heavily treed and it is more of a small channel. There are two culverts but they are not very large so you would be able to cross Humphrey and Pennsylvania.

2. Peter Katt appeared on behalf of **Hartland Homes**, stating that Hartland Homes is the builder in Lincoln of affordable housing. The neighbors have some concerns including the smaller lot sizes in this development that will be 42 ft. wide. Katt submitted that as land values and lot prices have increased, in order to still meet the needs of its customers, Hartland Homes has been forced to

make some difficult choices and changes in terms of lot sizes and configurations in order to keep housing affordable. There is a mix of lot sizes in this development, but it allows for some of the homes in the neighborhood to continue to be more affordable with the smaller lot size. Lots are priced based upon how much the underlying dirt costs plus the costs to bring improvements, which is generally computed on a front foot basis.

Katt when on to state that this 90 acres was purchased last August at \$47,000/acre. Of that 90 acres, only 70 acres is buildable, making this some of the most expensive dirt per lot in Lincoln, but Hartland Homes had little other choice in terms of availability for a reasonable chance to put lots on the market yet this year. What we see on the map in terms of green space areas is the direct result of the Southeast Upper Salt Creek requirements that preserve minimum flood corridor widths up to the 150 acres. The green space is devoted to those requirements. Previous to those new watershed requirements, most of this green space would have been able to have been developed with more lots and the lots could have been bigger. Thus, there is a cost and consequence in terms of what happens in development as a result of other choices that we make, and this development is a clear indication of that. This is a good illustration of what happens when costs are increased and more standards are put in place.

In addition, Katt pointed out that the 324 homeowners that will move into this subdivision will be obligated through their association to maintain this green space in perpetuity. That is another consequence and another choice.

Opposition

1. Keith Spilker, 900 Fletcher Avenue, challenged that the developer knew about the green spaces when he purchased this property. The developer also had a choice whether to purchase the property at \$47,000/acre.

Spilker is opposed to the project as a whole because of lack of infrastructure. It would be a novel idea if this Planning Commission would actually do some planning and get some infrastructure in place before these developments come about. We have Fallbrook to the west, Stone Bridge Creek to the east and the recently approved Links development, and yet the infrastructure for traffic is not there. He suggested that this development at least be delayed for 3-5 years to allow that infrastructure to be put in place.

Spilker urged that the additional street recommended by the staff is not needed. That street would result in loss of green space and trees.

Spilker is opposed to the smaller lot sizes. It comes down to more of a difference in vision between the neighbors and the developer. This is an area surrounded by acreages and acreage development. The minimum lot size waiver is needed for 90 of the lots. The neighbors believe the developer should be required to maintain the 50' width, 6000 sq. ft. lots. Spilker believes the developer can do affordable housing on a slightly larger lot, which will increase values and improve the neighborhood.

Spilker is hopeful that the drainage issues can be worked out so that future development towards the west would not have to be redone or add to the drainage. It is already there naturally through the green spaces.

Spilker is requesting that there be some sort of left turn lane on Pennsylvania Avenue so people coming from the east could make a left hand turn into his property.

2. James Zimmer, 6320 N. 7th, testified in opposition with concerns about the pollution to the wells that could be generated from the new lots. His property is sort of surrounded by this development and he depends on a well. He is concerned about the confusion that already exists between County and City as to who is going to respond to emergencies. The attitude at the meeting with the developer was that "I should have known that the city was going to grow into this area and should have been prepared for these issues". He is also concerned about traffic. If we already have these traffic problems in other places, why would we want to create another traffic problem? How are all of these people going to get out? 14th is going to be closed for 22 months. The 7th Street bridge is going to be abandoned. Apartments are being developed at 1st & Fletcher. Why would we do this without the infrastructure in place?

Zimmer is also opposed to the smaller lot sizes. There is no reason to drag down his property values because of Mr. Hartman's business decision. Hartman told the neighbors at the meeting that they should "get over it". That is the wrong attitude. If the city would give him city water, Zimmer would not be opposed, but the city does not have the money and is not going to bring the water to his property. Zimmer also believes that this subdivision should be delayed until the infrastructure is in place. The traffic is a huge issue. There is nothing between 1st and 14th, and 14th Street will be closed for 22 months.

3. Charlie Vogel, 921 Fletcher, testified in opposition. He has lived in his very nice, unique home in a very good neighborhood since 1976. The infrastructure is the most important thing. There are four developments all the way around his property. The 7th Street bridge is going to be closed, so that takes one access, bringing 7th Street down to Fletcher. 14th Street will be taken out in 2006-2008 and they are going to be shut off from going that direction. Then at 1st & Fletcher with The Links, they are going to close off that road. Which way are we going to go? We have to go to 14th, back north to Arbor Road, then back to 27th, and wherever we can get back on the interstate to head west or south. The neighbors have had two meetings and everyone has objected. They are going to put a water main down Fletcher Street, so that will close half of that road. There are a lot of problems coming out to this area and he believes the Planning Commission should consider delaying this project. There is no reason to have anything smaller than a 50' lot. The Commissioners need to drive down Fletcher between 1st and 14th before making a decision.

4. Bruce Spilker, 280 Pennsylvania Avenue, agreed with previous testimony regarding the infrastructure, lot sizes and water. If this developer could bring in a nice development and put the infrastructure in place like Abel did with Fallbrook, it would be more acceptable. He does not understand the rush. By putting in more green space, they are needing the smaller lots. Spilker suggested that there are already problems with green space in Bicentennial as far as maintenance. If you bring in smaller lots, you bring in smaller incomes who cannot pay their homeowner association dues. The neighbors know the property is going to be developed, but they are requesting that the time be taken to put the infrastructure in place first.

5. Melinda Kramer, 6300 N. 7th, is opposed to this development because of the traffic problems. You are going to have people coming out of this development onto a dirt road having to go through the county roads back into city roads. There will be construction traffic in front of her house on a dirt road. The infrastructure is a concern. Have there been any studies done on the maximum density? Will there be enough fire service available with acceptable response time? These people are going to be paying taxes for services that might not even be available. They are going to have tiny houses right next to each other with 5' setbacks. The schools are already overcrowded. There are other homeowners in the area that are opposed. There needs to be some kind of buffer zone.

6. Larry Ogden, 1300 Fletcher, agreed with the previous testimony in opposition. He is the closest acreage. The first lot will be 50' from his. Most of the people in the area have purchased their homes within the last 15 years as acreages. They did not want neighbors that close. His is an acreage development on AG land. The main concern is the small lot sizes. There will be congestion with people parking on the streets. This is an agricultural area consisting of acreages.

Staff questions

Pearson inquired as to the typical lot dimensions in R-3 zoning. Horner advised that the R-3 zoning is 6,000 sq. ft. lot size with 50' minimum width. There is a minimum depth of 90' in the subdivision ordinance.

Carlson asked staff to address the discussion in the staff report about changing the street layout for pedestrian function. Horner responded, stating that the applicant showed the Planning Commission a layout that added the street south of the proposed Bobby Lane. The addition of this street (which the applicant is proposing to eliminate), will shorten the block length and provide better pedestrian orientation to facilitate pedestrian movement when the adjacent property develops. The staff report indicates that the Comprehensive Plan specifically calls for shorter block lengths. The recommendation to deny the extended block length and pedestrian easement comes directly from the Comprehensive Plan.

Horner also advised that the children would go to Fredstrom School. She believes that LPS plans to build a school in Fallbrook. LPS did receive this application and did not oppose it.

Carlson is worried about pedestrian motions through the development.

Carroll inquired about the proposed amendments. With the exception of the block length waiver and pedestrian easement waiver, staff agrees with the motions to amend. This proposal is approximately three dwelling units per acre, and the R-3 density for a community unit plan is 6.96 dwelling units per acre. There is quite a bit of the area that could be developed that is being utilized as open and green space.

Bills-Strand inquired whether there is any other place in the community with this kind of density abutting other acreages. Horner suggested that the density is quite low and the community unit plan is intended for situations like this where you would do a cluster development. The overall

density is consistent with the typical residential subdivision in Lincoln. Hartland Homes has several developments across Lincoln with 42' wide lots, e.g. Cardinal Heights. Thirty percent of this development is the smaller lots. The majority of the lots are larger than the 42' wide lot.

Response by the Applicant

Katt reminded the Commission that this property is shown in the Comprehensive Plan as being converted over time into an urban area in the City of Lincoln; it is one of our natural sewer basins; the infrastructure is there; at the boundaries of this property, the infrastructure is in place, and in order for this development to proceed, all of the city infrastructure will be built and paid for by the applicant. This proposal will be developed in phases. This will be Hartland Homes' newest development in Lincoln. In terms of phasing, it will start in the corner where the sewer connection is; the water line is being extended as part of Stone Bridge Creek. This development will have two accesses to N. 14th Street before going to the next phase, and the very last phase will be that which will connect to 7th Street. Through the phasing of this project, the neighbors will have the timing that they are requesting and the infrastructure will be extended in a logical fashion.

With regard to the proximity to acreages, Katt pointed out that the Comprehensive Plan does not contemplate that acreages will remain in this area. It contemplates that these acreages will be converted over time to urban density lots—it is a much more efficient land use. This is a low density development, under four dwelling units per acre. The current Comprehensive Plan strategies talk more about 5-6 dwelling units per acre. While the lots are small, the overall density of the development is below where the Comprehensive Plan targets the goal.

With regard to delay, Katt advised that Hartland Homes bought this property because his project on N. 56th has been on hold for 6-7 years. He is out of land. He does not have a place to build homes. If you delay this approval, you put Hartland Homes out of business.

ANNEXATION NO. 05006.

ACTION BY PLANNING COMMISSION:

April 27, 2005

Marvin moved approval, seconded by Krieser.

In a nutshell, Marvin believes this represents the conflicts we are going to have with acreage owners. You have to balance the infrastructure with the fact that the city is growing and we have to add lots. He believes it is a issue of balancing. You are not ever going to get a perfect situation where a five lane road is out there and all the amenities you expect are in place. There is not going to be a place where it does not conflict with acreages. He believes this proposal balances that as well as it can.

Motion for approval carried 8-1: Carroll, Pearson, Marvin, Krieser, Sunderman, Taylor, Larson and Bills-Strand voting 'yes'; Carlson voting 'no'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05024

ACTION BY PLANNING COMMISSION:

April 27, 2005

Carroll moved approval, seconded by Krieser and carried 8-1: Carroll, Pearson, Marvin, Krieser, Sunderman, Taylor, Larson and Bills-Strand voting 'yes'; Carlson voting 'no'. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 05015

ACTION BY PLANNING COMMISSION:

April 27, 2005

Carroll moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, except for the block length waiver on Block 15, seconded by Marvin.

Pearson made a motion to amend to deny the waivers of average lot width and lot area. Motion died for lack of a second.

Motion for conditional approval, with amendments, carried 7-2: Carroll, Marvin, Krieser, Sunderman, Taylor, Larson and Bills-Strand voting 'yes'; Pearson and Carlson voting 'no'. This is final action, unless appealed to the City Council within 14 days.

STREET & ALLEY VACATION NO. 05002

ACTION BY PLANNING COMMISSION:

April 27, 2005

Carroll moved a finding of conformance with the Comprehensive Plan, seconded by Larson and carried 9-0: Carroll, Pearson, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



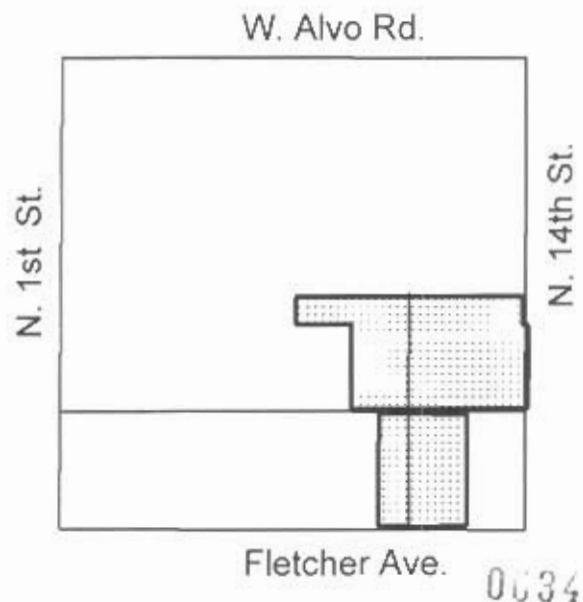
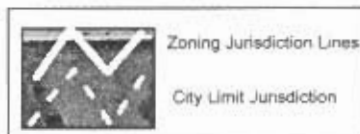
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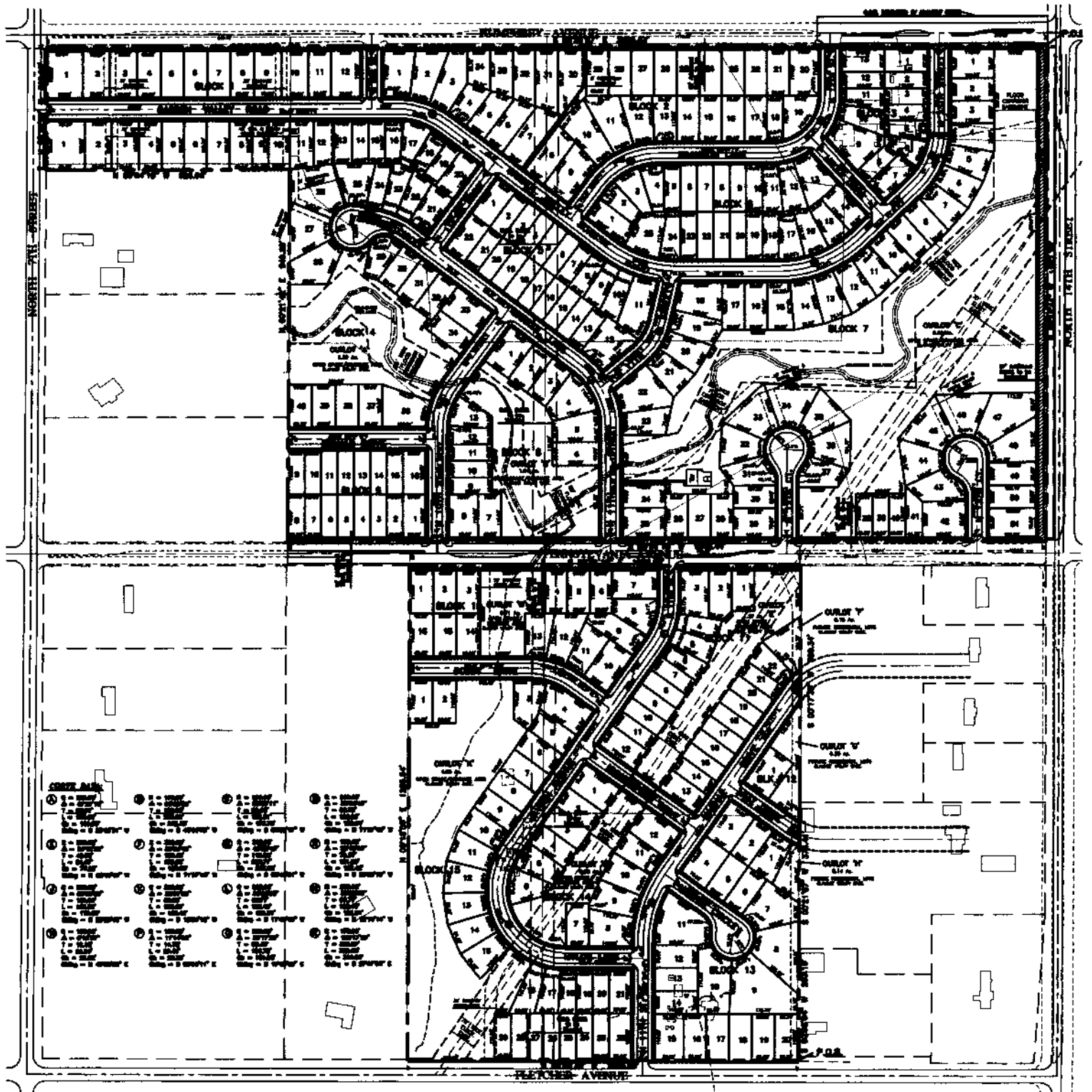
Special Permit #05015 **Harland's Garden Valley CUP** **N. 14th & Humpfrey Ave.**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 35 T11N R6E





HARTLAND'S GARDEN VALLEY

COMMUNITY UNIT PLAN/ SPECIAL PERMIT

LEGAL DESCRIPTION:

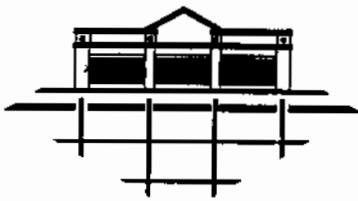
Lots 1 through 4, Block 1, Lots 1 and 4, Block 2 and the North Half of Lot 2, Block 2, and That part of North 11th Street which lies between Blocks 1 and 2, Garden Valley, Located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Beginning at the Northeast corner of said Block 1; thence along the East line of said Block, said line also being the West Right-of-Way line of North 14th Street S 00°12'41" W a distance of 1267.75' to the Southeast corner of said Block 1; thence along the North Right-of-Way line of Southwick Avenue, now known as Pennsylvania Avenue, N 89°51'18" W a distance of 1946.44' to the Southwest corner of said Lot 4, Block 2; thence along the West line of said Lots 4 and 1, N 00°21'42" E a distance of 949.20' to a point on the West line of said Lot 1; thence N 89°54'10" W a distance of 626.06' to a point on the East line of said Lot 2; thence along said line, said line also being the East Right-of-Way line of North 7th Street N 00°25'29" E a distance of 316.23' to the Northwest corner of said Lot 2, Block 2; thence along the North line of said Blocks 2 and 1, said line also being the South Right-of-Way line of Humphrey Avenue S 89°55'07" E a distance of 2568.83'; to the point of beginning, having an area of 2661359.87 square feet or 61.096 acres, more or less.

and

Lot 2 and Lot 3 except the South 7.00 feet, Block 4, and the East Half of Lots 1 and 4 except the South 7.00 feet, Block 3, and That part of North 11th Street which lies between Blocks 3 and 4, Garden Valley, Located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

Beginning at the intersection of the East line of said Lot 3, Block 4 and the North Right-of-Way line of Fletcher Avenue; thence along the North Right-of-Way line of Fletcher Avenue N 89°46'39" W a distance of 1004.56' to a point on the North Right-of-Way line of Fletcher Avenue; thence N 00°18'05" E a distance of 1255.54' to a point on the North line of said Lot 1, Block 3; thence along the North line of said Blocks 3 and 4, said line also being the South Right-of-Way line of Southwick Avenue S 89°51'18" E a distance of 1003.83' to the Northeast corner of said Lot 2, Block 4; thence along the East line of said Lots 2 and 3, Block 4 for the next three calls S 00°17'39" W a distance of 599.34'; thence S 00°21'07" W a distance of 374.41'; thence S 00°06'04" W a distance of 283.15' to the point of beginning, having an area of 1261076.4 square feet or 28.95 acres, more or less.



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

March 15, 2005

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: HARTLAND'S GARDEN VALLEY - NORTH 14TH AND HUMPHREY AVE.
ANNEXATION- CHANGE OF ZONE- SPECIAL PERMIT (C.U.P.)-
AND ASSOCIATED STREET AND ALLEY VACATIONS

Dear Marvin,

On behalf of Hartland Homes, Inc, we are pleased to finally submit the above mentioned applications for your review. As you are aware, we have been working with City Staff for several months to address various issues regarding this project. It appears we have all come to the same understanding and therefore, we submit this application.

Hartland's Garden Valley is located on the West side of North 14th Street from Fletcher Avenue to Humphrey Avenue. The site contains 90.05 acres and it currently zoned 'AG'. The site is bisected by a small drainage area with delineated wetlands. We will be crossing these wetlands in only 4 locations. There is also a high transmission power line running through the southeastern portion of the site.

We are proposing a change of zone from 'AG' to 'R-3' with a C.U.P. for 326 single family residential lots, ranging in size from approximately 41' x 110' to 99' x 125'. This will allow for a varied mixture of different home sizes to be built within the neighborhood. All streets, water and sewer will be 'public' infrastructure.

We are proposing the 'Boulevard Concept' for the future 'collector' streets of Humphrey Avenue and Pennsylvania Avenue. This will allow for on street parking in front of the homes, as well as permitting one thru lane of traffic. Left turning lanes will be installed in the medians at all intersections.

We are also requesting annexation of the Hartland's Garden Valley project at this time.

We will also be requesting a street and alley vacation for the existing North 11th Street from Fletcher Avenue to Humphrey Avenue.

Page 2

We are requesting the following waivers to the subdivision ordinance;

1. Waiver of the preliminary plat process, as the Special Permit/ C.U.P. plans show the same information.
2. Waiver of Block Length in Blocks 2, 4, 7 & 15, as these waivers minimize the crossing of the wetland/ creek areas.
3. Average lot width, from 50 feet to 41 feet, to promote a mix of housing types.
4. Lot area from 6,000 square feet to 4,500 square feet, to promote a mix of housing types. There is also a large amount of open space within this C.U.P., due to drainage areas and the overhead power line.
5. Double frontage lots in Blocks 1 and 2. This will allow for fewer driveways to access the collector streets.
6. Pedestrian easements in Blocks 7 and 15. These blocks back up to existing drainage ways.
7. Sanitary sewer running opposite of street grade in Garden Valley Road and North 10th Street. This waiver is required to accommodate pavement and storm sewer flow to the existing drainage ways.

We are excited about this new project and look forward to working with City Staff as this project moves forward.

Please feel free to contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc. Duane Hartman- Hartland Homes
Peter Katt
Lyle Loth- ESP

Enclosures: Application for a Special Permit, Change of Zone, Street & Alley Vacation
Application Fees of \$3,245.00
24 copies of Sheet 1 of 11
8 copies of Sheets 2 thru 11 of 11
Certificate of Ownership
8-1/2" x 11" reductions of the plans
2 copies of Culvert Calculations
2 copies of Stormwater Detention Calculations

0038

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities Dennis Bartels Public Works and Utilities
Subject:	Hartlands Garden Valley Special Permit #05015
Date:	3/31/05
cc:	Randy Hoskins, Public Works and Utilities

Engineering Services has reviewed the submitted plans for the Hartlands Garden Valley Special Permit, located west of North 14th street between Fletcher and Humphrey Avenue, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) The west portion of this plat is located in Tier I Priority B according to the Comp Plan. There is currently no project identified in the 2004-2010 CIP showing the extension of the trunk sewer into this area. An agreement will need to be created addressing the phasing and financial responsibility of the extensions required to serve this plat.

(1.2) Supporting calculations need to be provided to the satisfaction of Public Works for the trunk sewer sizing shown.

(1.3) Public Works approves the requested waiver of design standards to construct sewer opposite street grade provided that the maximum depths are not exceeded.

Water Main - The following comments need to be addressed.

(2.1) The proposed 30" main in Fletcher needs to be shown on the plans.

(2.2) A second connection, other than the 12" connection proposed at 14th and Humphrey will need to be made prior to the approval of any final plat outside of what is shown as Phase I.

(2.3) Proposed water main in 14th needs to be revised to show a 24" main.

Grading/Drainage - The following comments need to be addressed.

(3.1) The grading and drainage plan is unsatisfactory. The minimum flood corridor does not appear to be calculated correctly and is not centered on the channel centerline. Revisions based on these issues may require a change in the street and lot layout.

(3.2) There appears to be discrepancies between the culvert calculation flows and the detention calculation flows. Clarification and/or revisions will need to be provided to the satisfaction of Public Works.

(3.3) The grading corresponding to the future arterial section for 14th Street needs to be shown adjacent to this plat. Also, the lot grading for lots adjacent to 14th Street needs to be revised to reflect the future 14th Street grades.

(3.4) Minimum openings need to be shown for Lots 31 and 32 in Block 7.

(3.5) Wetlands to be preserved and wetlands that are being impacted need to be more clearly delineated and labeled.

Streets/Paving - The following comments need to be addressed.

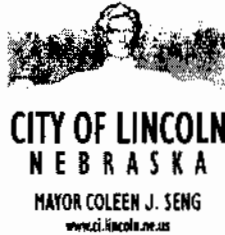
(4.1) There are numerous intersections that violate the platform length required by design standards. Revisions need to be made to the street profiles in accordance with design standards or a waiver of design standards needs to be requested and justified.

(4.2) Typical cross-section details for Humphrey and Pennsylvania Avenue need to be shown on the plans to the satisfaction of Public Works.

(4.3) Lots that front to Fletcher Avenue will not be final plated until Fletcher is improved to urban standards. Also, the street profile and grading for the future curb and gutter section in Fletcher needs to be shown on this plat.

(4.4) Public Works approves the requested block length waiver for Block 7 given the location of the flood corridor easement. However, it appears that a street the street pattern can be revised to eliminate the need for the waivers in Blocks 2, 4, and 15 without affecting flood corridors.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 4/1/2005

To: *Becky Horner*

From: *Devin Biesecker*

Subject: *Hartland's Garden Valley*

cc: *Ben Higgins, Chad Blahak*

Below are Watershed Management's comments for Hartland's Garden Valley C.U.P.

1. The stormwater detention calculations are unsatisfactory. Additional information will be needed for time of concentration calculations and post development flow rates.
2. The grading and drainage plan is unsatisfactory. The minimum flood corridor is not centered on the channel as required by City of Lincoln design standards. Also additional information will be needed on the procedure used to calculate minimum corridor widths.
3. City of Lincoln records do shown wetlands on this site. The wetlands and any wetland impacts should be shown on the grading and drainage plan.



Dennis L Roth

03/21/2005 07:31 AM

To: Rebecca D Horner/Notes@Notes
cc:
Subject: re: Hartlands Garden Valley

PROJ NAME: Hartlands Garden Valley
PROJ NMBR: SP05015, CZ05024, AN05006
PROJ DATE: 03/16/2005
PLANNER: Becky Horner

Finding SEVERAL SIMILAR/DUPLICATE street names within our database, other than those which are obvious extensions of an existing street.

<u>PROPOSED</u>	<u>EXISTING</u>
Garden Valley Rd	Garden Val
Hungerford Dr	Haverford Dr
Ray Dr	Roy St
Lucas Dr	W Luke St and Lucy Ct
Brandon Ln	Brandon Blvd
Mikka Dr	Mickaela Ln

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

CROSS STs: N 7 St - N 14 St, Fletcher Ave-Humphrey Sr

PUBLIC STs: Baker Cir, Bobby Cir, ~~Brandon Ln, Garden Valley Rd, Hungerford Dr~~, Jayden Ave,
~~Lucas Dr, Macshae Cir & Dr, McLou Ln, Mikka Dr, Pennsylvania, Ronald Dr, Roy Dr,~~

PVT STs: none

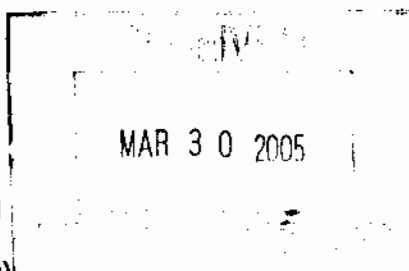
COMMENTS:

RECOMMEND Denial at this time

INTER-DEPARTMENT COMMUNICATION



DATE: March 29, 2005
TO: Becky Horner, City Planning
FROM: Sharon Theobald (Ext. 7640)



SUBJECT: DEDICATED EASEMENTS
DN #64N-11E

SP #05015
CZ #05024
AN #05006

Attached is the CUP/SP for Hartland's Garden Valley

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over all of the Outlots, as noted.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.

Sharon Theobald

ST/nh
Attachment
c: Terry Wiebke
Easement File

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: March 28, 2005

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Hartland's Garden Valley

EH Administration

SP #05015 CZ #05024
AN #05006

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the followings noted:

- The developer proposed to properly decommission existing water wells and abandon any existing on-site wastewater treatment systems.
- Prior to demolition or renovation of any existing commercial or residential structure an asbestos survey must be conducted and ten or more working days prior to demolition/renovation a notification of demolition must be provided to the LLCHD. These are federal Environmental Protection Agency (EPA) requirements related to asbestos removal/demolition activities. The EPA does allow for one residential building exemption with four or fewer dwelling units per owner/operator. Documentation related to this matter should be submitted to Harry LeDuc with the LLCHD at 3140 N Street, Lincoln, NE 68510. Mr. LeDuc can be contacted at 441-8034.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



Terry A Kathe

03/21/2005 09:31 AM

To: Rebecca D Homer/Notes@Notes

cc:

Subject: Hartland's Village Garden

Bailey -

After reviewing the aboven mentioned project, this department has the following comments;

- 1) The street name of North 11th located north off of Fletcher would appear to create parcels on the south of Fletcher to have incorrect addresses. To correct this, the street name could be changed to the Mashae Drive as the rest of the street is named.
- 2) The street name of North 11th located south of Pennsylvania would create a jog in 11th Street and could easily be changed to the Jayden Avenue that the rest of the street, with very little change in the direction, without any confusion remaining.

0045



Lincoln Parks & Recreation

Memo

To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: March 25, 2005

Re: Hartland's Garden Valley SP05015 & CZ05024

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. All outlot areas to be maintained by the developer and/or future homeowner's association.
2. The Comprehensive Plan indicates an East-West Trail connection between NW1st and N. 14th Street. It is our recommendation that the alignment is on Alvo Road.
3. A visible and accessible neighborhood park needs to be located at 1.6 acres on Block 8, lots 1 through 6.
4. All landscaped boulevards and medians must be maintained by the developer and/or future homeowner's association.
5. The playground should be located in conjunction with the Neighborhood Park referenced in item 3.
6. Street Trees need to be assigned by the Forestry Department. Please contact the Forestry Department at 441-7036 regarding Street Tree Assignments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.
Thank you.

IMPORTANT

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Permit # **DRF05043**

Address

Job Description: Development Review - Fire

Location: **HARTLAND'S GARDEN VALLEY**

Special Permit: Y 05015

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **BECKY HORNER**

Status of Review: Approved

03/18/2005 7:24:22 AM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: approved

Current Codes in Use Relating to Construction Development in the City of Lincoln:

2000 International Building Code and Local Amendments
2000 International Residential Code and Local Amendments
1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
1989 Fair Housing Act As Amended Effective March 12, 1989
1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
1999 National Electrical Code and Local Amendments
1997 Uniform Mechanical Code and Local Amendments
1994 Lincoln Gas Code
2000 NFPA 101 Life Safety Code
2000 Local Amendments International Firecode
Applicable NFPA National Fire Code Standards



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LINC
OLN.NE.US>

03/22/2005 10:22 AM

To: R Horner <RHorner@ci.lincoln.ne.us>
cc:
Subject: Hartland's Garden Valley

Ms. Horner,

The Lincoln Police Department does not object to the Hartland's Garden Valley SP# 05015.

Sergeant Michael Woolman
Lincoln Police Department

0048

message to Becky Horner

Richard J Furasek
03/22/2005 03:38 PM

To: Rebecca D Horner/Notes@Notes
cc:
Subject: Hartland's Garden Valley

I only received a site plan for this area and need a utility plan to check for water hydrants.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

0049

REQUEST FOR 2-WEEK DEFERRAL

(p.105 - Public Hearing - 04/13/05)

ITEM NO. 3.3a,b,c;d: ANNEX.05006

CHANGE OF ZONE 05024

SPECIAL PERMIT 05015



"Brian Carstens"
<brian@carstensandasociates.com>

04/12/2005 04:28 PM

To: <RHorner@ci.lincoln.ne.us>, <JWalker@ci.lincoln.ne.us>, SAV.05002
<SHenrichsen@ci.lincoln.ne.us>, "Duane Hartman (E-mail)"
<dhartman@hartlandhomes.com>, "Andrew Hartman (E-mail)"
<ahartman@neb.rr.com>, "Peter Katt" <LawKatt@Pierson-Law.com>,
"Lyle L. Loth (E-mail)" <lyle@espeng.com>

cc:

Subject: Harland's Garden Valley- North 14th and Humphrey

Everyone,

As per my recent phone conversation with Becky, and Duane, I am requesting that the following zoning applications be placed on pending for 2 weeks;

Annexation No. 05006
Change of Zone No. 05024
Special Permit No. 05015

We need to request an additional waiver to the subdivision ordinance to waive the installation of new curb and gutter pavement along Fletcher Ave., as there is newly installed County section asphalt paving in this area.

Also, Mr Spilker to the west of the project has requested an additional meeting with Hartland Homes to discuss the project. He has asked for the 2 week delay of Staff.

Please contact me if you have any further questions.

Brian D. Carstens

MOTIONS TO AMEND
REVISED 4/27/05

SPECIAL PERMIT #05015
HARTLAND'S GARDEN VALLEY

Waivers Table- Page 117

To exceed block lengths (Blocks 4, 15, 5)	Denial	<u>APPROVAL</u>
To eliminate pedestrian easements (Block 15)	Denial	<u>APPROVAL</u>

Permittee agrees- Page 121

to complete the installation of sidewalks along both sides of the internal streets and along the south side of Humphrey, north side of Fletcher, west side of N. 14th and east side of 7th Streets as shown on the final plat within four (4) years following the approval of the final plat.

2.1.1.4 Revise the plan to the satisfaction of the Parks Department

(3) A visible and accessible neighborhood park needs to be located at 1.6 acres on Block 8, lots 1 through 6 on Outlot A, Lots 36, and 37, Block 4, containing a total of approximately 2.85 acres.

(4) All landscaped boulevards and medians shall be maintained by the City of Lincoln. ~~developer and or future homeowner's association.~~

STREET AND ALLEY VACTION NO. 05002

4. The applicant indicated a willingness to ~~pay for~~ exchange proposed right of way for the vacated right of way.

SUBMITTED AT CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION BY

Exhibit 1- original submission for April 13th meeting.

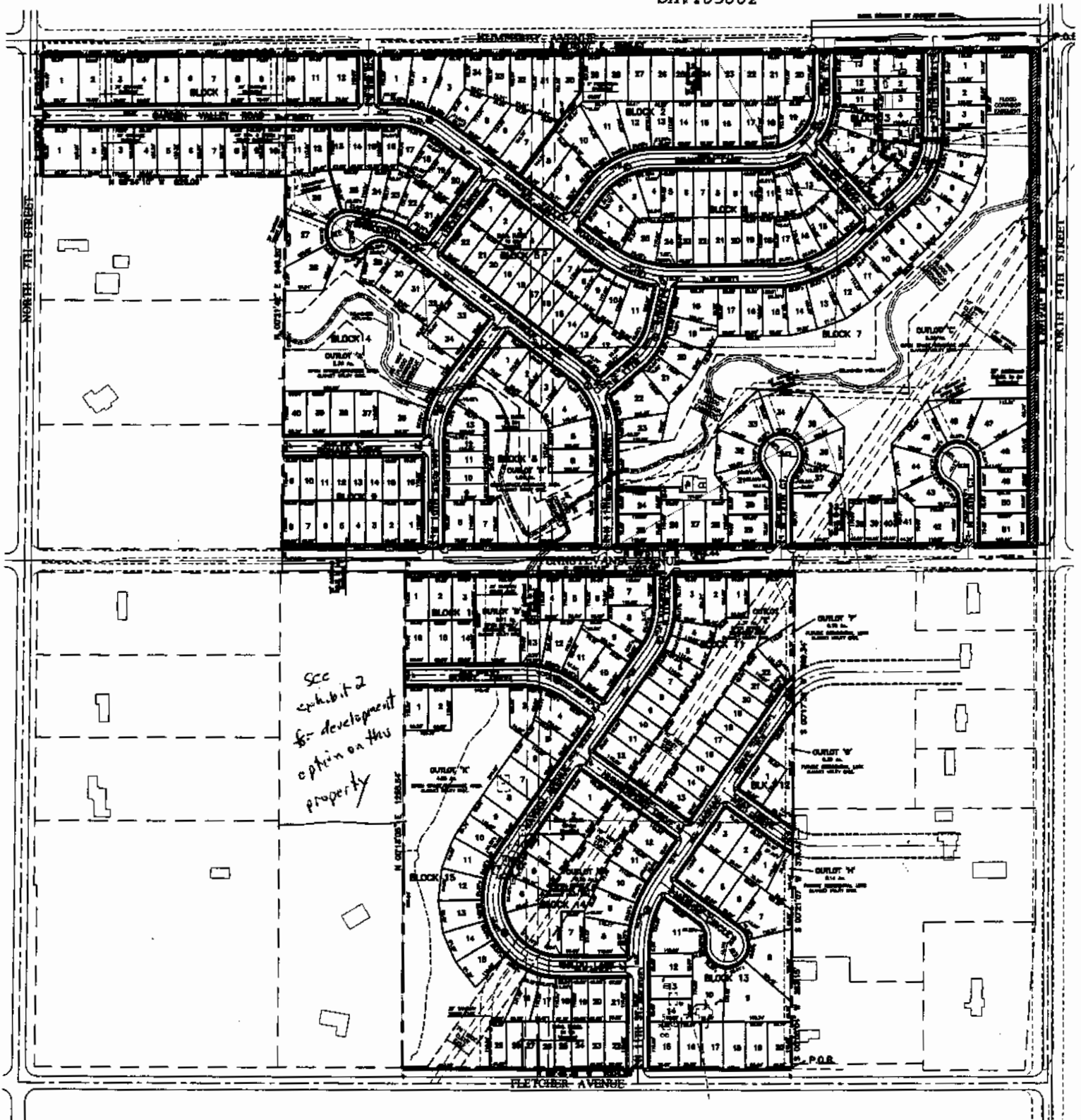
KEITH SPILKER: 4/27/05

ANNEXATION NO. 05006

CHANGE OF ZONE NO. 05024

SPECIAL PERMIT NO. 05015

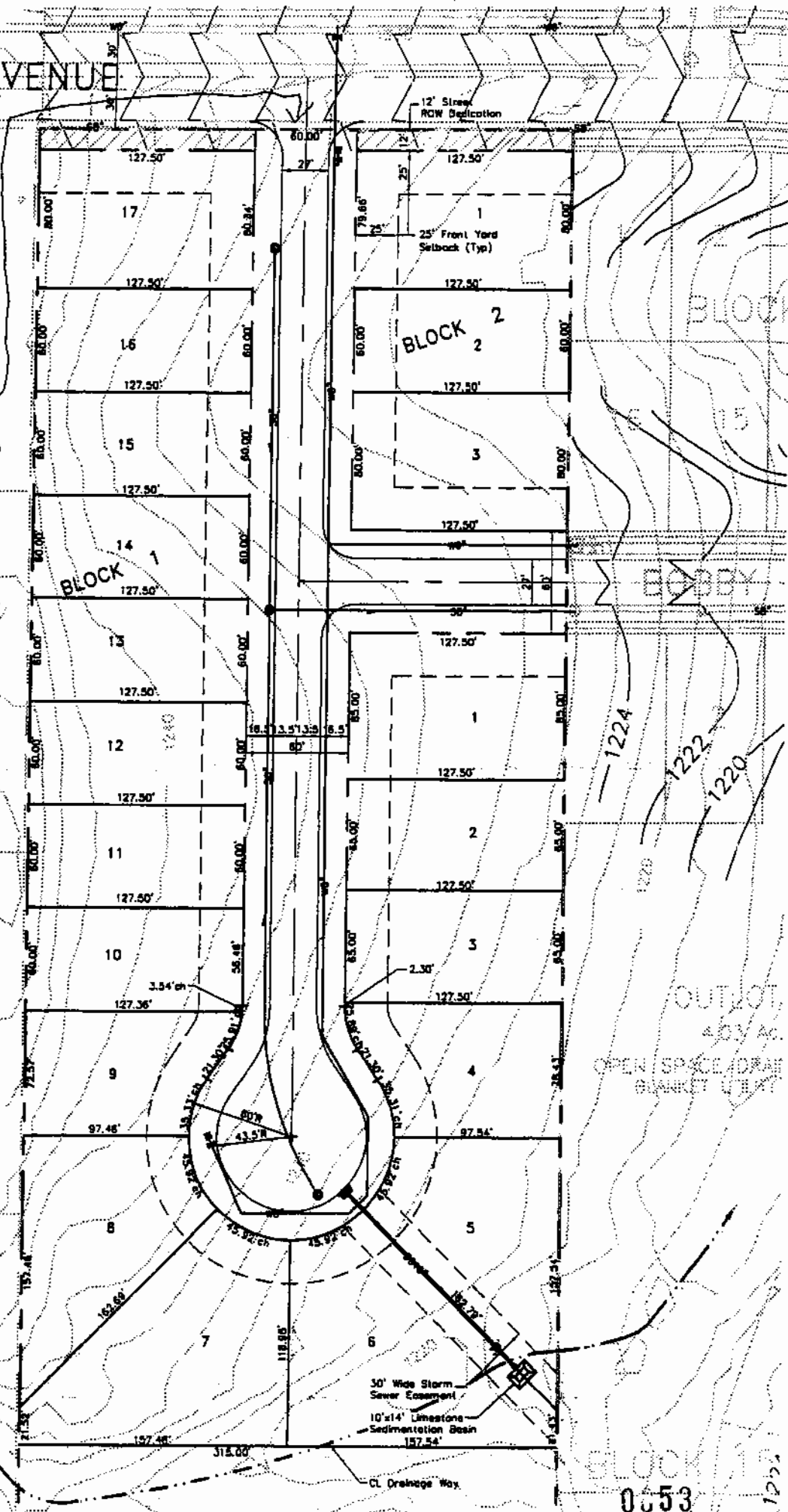
SAV.05002



Submitted

0052

Exhibit 2 - One option
for development of
property to west
of applicant.
Need left turn
from Pennsylvania
Ave.



This letter is in reference to the meeting held April 13, 2005, concerning the proposals to build houses by Hartland Homes. Our home is at 6321 North 14th St, and we were told by Mr. Hartland that when the houses were built north of us, we would have to pay for half of the road which will be Pennsylvania Avenue.

After checking with the Planning Department we were told that it would be at the expense of the contractor since it would be of no benefit of us. We really don't want houses built there but that's beside the point.

Mr. Hartland was at our house last week and left a note to call him. When I talked to him, he advised me that the location of houses north of our home would not be built right away and won't be discussed at the meeting (April 13), and I would not have to worry about paying for Pennsylvania Ave at this time.

We don't feel we should have to pay for any of the road since it will not benefit us and would like to go on record that we object to his suggestion and want you to know how we feel. We feel the impact fees should all be assessed to the builder to pay for the road.

We don't feel it would be right to waive the lot sizes for the convenience of Mr. Hartland. It would cause the homes to be built too close together and cause more congestion in this area.

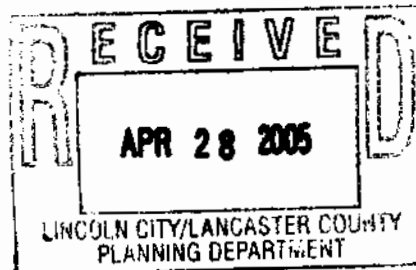
Another concern to the city should be the building of homes near a high powered electrical line. Studies have shown that it can cause cancer.

Thanks you for taking time to read this and we hope you will understand our concern about Mr. Hartland advising us that we would be responsible to pay for half of Pennsylvania Ave.

Sincerely

Roger and Judy Groetzinger
6321 N 14th St
Lincoln NE 68521

Home Phone – 742-0966





Jean L Walker
04/27/2005 09:05 AM

To: "KSpilker" <kspilker@secmut.com> (p.105-Cont'd Public Hearing-4/27
cc: Marvin S Krout/Notes@Notes, Ray F Hill/Notes@Notes, Rebecca D 05)
Homer/Notes@Notes, rpeo@netinfo.ci.lincoln.ne.us@Notes, Dennis D
Bartels/Notes@Notes, Chad E Blahak/Notes@Notes,
Brian@CarstensandAssociates.com, (bcc: Jean L Walker/Notes)
Subject: Re: April 27 Planning Commission Agenda item - Hartland's Garden
Valley NO. 05006, 05024, 05015 and 05002

Dear Mr. Spilker:

Thank you for your comments, which have now become part of the record. A copy has been forwarded to each Planning Commission member via e-mail this morning, and a copy will be submitted at the beginning of today's continued public hearing.

A new notification letter advising of this continued public hearing, including the additional waiver of "street design standards for curb and gutter" for Special Permit No. 05015, was mailed from the Planning Department offices on April 15, 2005. Your name does appear on our list of property owners which were notified. I do not know why you did not receive the letter addressed to Keith and Jana Spilker. This special permit also appeared in the legal ad published in the Lincoln Journal Star on April 19, 2005, including the additional waiver of curb and gutter. It is true that the staff report on the internet is the original staff report and it is my understanding that the Public Works department will be making their recommendation on the additional waiver of curb and gutter at today's hearing.

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365
"KSpilker" <kspilker@secmut.com>



"KSpilker"
<kspilker@secmut.co
m>
04/27/2005 08:40 AM

To: <plan@lincoln.ne.gov>
cc:
Subject: April 27 Planning Commission Agenda item - Hartland's Garden Valley
NO. 05006, 05024, 05015 and 05002

I submit the following comments on these items.

1. Action on these applications should at a minimum be deferred. Public hearing and action was deferred from the April 13th meeting to advertise an additional waiver. The advertisement has not been completed. Information about the waiver is not available on the internet prior to this meeting. Letters were allegedly sent to neighbors in close proximity. This development is adjacent to my property and I have not received such notification. Planning staff was called on April 22 at which time a letter was promised. I am still waiting for the waiver notice.

2. I am opposed to this development at this time. The area currently has three developments under way - Fallbrook at 1st & Fletcher, Stone Bridge at 14th & Humphrey, The Links at 1st & Fletcher. Additional development is before this body today in the Stone Bridge area. Total new housing units from these developments approaches 2,000. All of this is taking place without the infrastructure to support the developments. This development should be delayed for 3-5 years giving the city time to build the infrastructure necessary. This would include street improvements scheduled for 14th street, water and sewer work on Fletcher Ave, intersection improvements at 1st and Fletcher. Approval of this development would encourage additional development north of Humphrey street. Again, the area is not ready to handle all of this

development.

3. I believe one the requirements for a developer is to work with the neighbors during the planning process. This developer, to his credit, held a preliminary meeting with neighbors on November 4th. The purpose of the meeting was to let people know he had purchased land and would be going through the development process. A rough sketch of the development was presented. The developer and his representative promised those in attendance that when a more refined plan was in place it would be presented before it went before the planning commission. This promise was not kept. The neighbors had to organize their own meeting, which was held April 26th, and invite the developer. Many of the concerns in this e-mail were conveyed. However, the ability to work out concerns with the neighbors has been forfeited as the plans are now before this body. The developer was able to work with planning staff for over five months but had no time for the neighbors who ultimately will be living beside this development. Only those who contacted the developer directly had advance access to these plans.

4. The original application to the planning department did not contain the road directly south of Bobby Drive. I will have copies of this for the meeting today titled exhibit 1. A waiver of block length was requested. Planning staff recommended denial of the block length waiver and the second street was added. I strongly oppose this second street. What was gained by the additional road 220 feet from Bobby Drive? I believe the only gain is that planning staff has a plan that contains no block waiver. Green space is desired in a neighborhood. This additional street will require removal of trees and loss of green space. The green space in question is also a natural waterway in this area. It also adds to the cost of this development. The street also has an impact on the development of property to the west. Please refer to exhibit 2. While not contemplating development I've considered options. Exhibit 2 depicts one of those options. The second street actually constrains development of this property by increasing costs and reducing the number of potential lots. The value of this property is reduced due to the increased costs. Planning staff can work on an exit on my west boundary if and when such development occurs. There is no need for the second street. In fact, one option to eliminate the block waiver would be to not vacate the south portion of 11th street at Fletcher Avenue. Earlier I asked what is gained with this street. Here is what is lost - trees and green space as well as increased costs to this and future development. All of that so that motorists can save 220 feet of driving to move in a westwardly direction. In the end a block waiver seems like a reasonable compromise for all involved.

5. The applicant is asking for a waiver of block length and square footage. A quick count of the lots shows that nearly 90 of the 324 lots proposed require a waiver. I feel that the lot waivers will add to the stereotype of NW Lincoln as a less desirable neighborhood in which to live. This in turn reduces property values in the area. A mix of housing can be achieved without the waivers. This developer specialized in first time homes and home buyers. This objective is not compromised if lots are used which conform to the zoning without the waivers. Waivers should be granted to special circumstances. The number of lots requiring the waiver indicates that this is not for an exception but rather a planned increase in density. Since that is the case maybe some other type of zoning should have been requested.

6. There is natural drainage/retention of water in this area. Applicant should be required to incorporate into the plan that this continues and that any future development to the west would not need to duplicate or add additional drainage/retention.

7. I would request that a left turn lane be incorporated into the plans off of Pennsylvania into my property. This is also shown on exhibit 2.

8. Developer and planning staff made all of the decisions concerning Pennsylvania and Humphrey Avenue without neighborhood input. Neighborhood involvement may have come to the same conclusion but we'll never know since they did not have the chance to participate in the process.

In conclusion I thank you for your time today. However, I believe the plan should be denied and placed on hold until appropriate infrastructure is in place. You have a chance to do some forward planning and better prepare the neighborhood for development. I urge you to take that step and really act as planners. You can save all current and future residents of the area the pain involved with coming back later to implement the needed infrastructure. Beyond that there are issues as defined above of concern to me which should be addressed before approval of these items.

Keith Spilker
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m>

04/27/2005 09:04 AM

To: <plan@lincoln.ne.gov>
cc:
Subject: FW: April 27 Planning Commission Agenda item - Hartland's Garden
Valley NO. 05006, 05024, 05015 and 05002

Some additional thoughts on item #5 concerning the block waivers. Consideration should be given to at least restricting the number of lots to which the waiver applies. A suggestion would be that any lots which are adjacent to other owners would not be allowed a waiver. This would leave options open to adjacent owners. In the plan submitted this type of denial of the waiver would apply to lots 1-8 in block 11, lots 13-21 in block 13, lots 38-41 in block 9. There are likely others.

Thanks again.

Keith Spilker